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VIA ECF

Honorable Steven M. Gold, U.S.M.J.
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Dollar Phone Corp. & Global Switching v. Dun & Bradstreet Corp., et al.
Civil Action No.: 09-3645 (ILG) (SMG)

Dear Judge Gold:

We represent Defendants Dun & Bradstreet Corp. and Dun & Bradstreet, Inc. (jointly, "D&B") in this matter. We write to respectfully request an adjournment of the initial conference currently scheduled to take place before Your Honor on Wednesday, December 2. This is the first request for an adjournment in this case.

We are requesting an adjournment of the initial conference primarily because D&B has not filed its Answer yet. On October 27, D&B filed a motion to dismiss the complaint (Pacer No. 8). In response, on November 19, plaintiff filed an amended complaint (Pacer No. 9). We have since informed plaintiff's counsel that we will be filing a motion to dismiss the amended complaint as well, and have asked counsel to extend our deadline to file that motion to December 18. Accordingly, given that an Answer will not be filed until after the motion to dismiss is decided by Judge Glasser (and only if the motion is denied in full or in part), we respectfully request that the initial conference be adjourned and rescheduled until after the motion to dismiss is resolved.

Alternatively, if Your Honor does not wish to postpone the initial conference until after the motion to dismiss is decided, then we respectfully request a more modest adjournment to allow the parties additional time to meet and confer regarding a proposed discovery plan. To date, plaintiff has not served any discovery demands, and has not indicated a desire to begin the discovery process while the motion to dismiss is pending.

I have sent several e-mail messages to plaintiff's counsel regarding the upcoming initial conference, but I have not heard back from counsel -- presumably because of the recent holiday. Accordingly, this letter is being submitted only on behalf of the Defendant D&B.

We thank the Court for its attention to this matter.

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Respectfully submitted,

s/ Jason E. Halper

cc: Peretz Bronstein, Esq. (via ECF)